

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

ALL CASES

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) MDL No. 2419
) Docket No. 1:13-md-2419 (RWZ)
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**NON-PARTY THE VANDERBILT UNIVERSITY’S MOTION TO QUASH
SUBPOENA FOR DEPOSITION BY WRITTEN QUESTIONS**

Non-Party The Vanderbilt University (“Vanderbilt”) hereby moves, pursuant to Fed. R. Civ. P. 45(d)(3)(A)(iv), to quash the subpoena (the “Subpoena”) issued to the “Vanderbilt Medical Center Clinic Pharmacy” by Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith- Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D.

In support of this Motion, Vanderbilt relies upon the following court papers, filed herewith: (1) Non-Party Vanderbilt’s Memorandum of Law in Support of its Motion to Quash Subpoena for Deposition by Written Questions; (2) Affidavit of Mark Sullivan; and (3) Affidavit of Frank N. Gaeta.

WHEREFORE, Vanderbilt respectfully requests this Court to quash the Subpoena.

REQUEST FOR ORAL ARGUMENT

Vanderbilt respectfully requests a hearing on this Motion.

Respectfully submitted,

THE VANDERBILT UNIVERSITY

By its attorneys,

/s/ Frank N. Gaeta

Frank N. Gaeta (BBO #561388)

RICH MAY, P.C.

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Dated: April 1, 2016

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that counsel for Vanderbilt conferred with counsel for the Premier Defendants in good faith to resolve or narrow the issues presented in this Motion and such efforts were unsuccessful.

/s/ Frank N. Gaeta

Frank N. Gaeta

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper or electronic copies will be delivered to those indicated as non-registered participants on April 1, 2016.

/s/ Frank N. Gaeta

Frank N. Gaeta